

Appeals Rule Comparison Table

Appeal Provision	12/29/1995 version	5/16/2006 version	Change in Provisions
General (previously entitled Purpose and Scope)	§614.1	§614.1	Provides a more expansive and definitive discussion of the procedures and the relation to other regulation and statute.
Definitions	§614.2	§614.2	Provides added definitions, including <i>appeal, CCC, mediator, participant, program decision, qualified mediator, reconsideration, verbatim transcript</i> .
Decisions Subject to Appeal Procedures (previously entitled Applicability)	§614.3; §614.100 §614.200	§614.3	Adds that only the participant directly affected by the program decision or technical determination may invoke the informal appeals procedures.
Decisions not Subject to Appeals	§614.5	§614.4	Adds the following items as not being subject to the appeals procedures: administrative procedures, regulations, statutes; program application ranking criteria; program application screening criteria; published soil surveys; decisions made in accordance with statutory or regulatory provisions that expressly make agency decision/determination final; decisions of equitable relief; corrections of NRCS errors in data entered on program contracts, loan documents, etc.; enforcement actions under conservation easement programs.
Reservation of Authority	§614.4	§614.5	No changes
Agency Records and decision notices	N/A	§614.6	Adds information as to the required content of decision and determination notifications.
Preliminary Technical Determinations	§614.101	§614.7	Provides that preliminary technical determinations shall be issued for all types of technical determinations regardless of statutory authority. Adds additional reconsideration of the adverse preliminary technical determination by the State

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			Conservationist.
Final Technical Determinations	§614.103 §614.104	§614.8	Provides that final technical determinations shall be issued for all types of technical determinations regardless of statutory authority. Also provides that Final Technical Determinations are appealable to either the FSA COC, if Title XII or the State Conservationist, if non-title XII; and the National Appeals Division (NAD)
Program Decisions	§614.201 §614.202 §614.204	§614.9	Provides that program decision are issued as final decisions with appeal options to the FSA COC if a Title XII conservation program decision; the NRCS STC if not Title XII; and to NAD.
Appeals Before the FSA County Committee	§614.104	§614.10	Provides informal appeal of title XII technical determinations and program decisions to the FSA County Committee. Further defines the requirements to complete when a county or state FSA committee requests a review of the decision or determination as required at 7 CFR 780.11.
Mediation	§614.102 §614.203	§614.11	Describes mediation of all technical determination and program decisions and establishes the timeframes under which mediation must be conducted. Establishes the criteria NRCS must follow when entering into a mediation session. Removes the possibility of SCD/SWCD supervisors serving as mediators, unless they meet the qualifications established by USDA. Establishes the process for establishing and maintaining confidentiality of mediation.
Appealability Review	N/A	§614.13	Establishes a review of appealability at the State Conservationist level and further provides for appealability review by NAD as provided at 7

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			CFR 11.6.
Computation of Time	N/A	§614.14	Provides the policy for computation of time on appeal and mediation.
Implementation of Final Agency Decisions	N/A	§614.15	Allows that upon finality of the NRCS determination or decision following closure of the USDA Administrative Appeals procedures or mediation, that NRCS will implement that determination or decision in not less than 30 days from the date of finality.
Participation of Third Parties in NRCS Proceedings	N/A	§614.16	Provides that NRCS will notify any affected 3 rd parties that an NRCS determination or decision is being appealed; and afford the 3 rd party the right to participate in the appeal hearing. Also, if the 3 rd party declines to participate, the final USDA decision will be binding on that 3 rd party even if they did not participate in the administrative appeals procedures.
Judicial Review	N/A	§614.17	Provides that before a participant can file a lawsuit, they must exhaust the USDA administrative appeals procedures in accordance with 7 CFR 11.